

Poison Act, reported in notice of judgment no. 1555 published under the former act and notice of judgment no. 64 published under the latter act.

On May 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10, which covered the charges under the three acts.

H. A. WALLACE, *Secretary of Agriculture.*

27255. Adulteration and misbranding of elixir of iron, quinine, and strychnine; elixir of terpin hydrate and codeine, and sweet spirit of niter. U. S. v. Leading Drug Corporation. Plea of guilty. Fine, \$110. (F. & D. no. 38051. Sample nos. 61396-B, 61411-B, 61527-B.)

These products were sold under names recognized in the National Formulary or United States Pharmacopoeia and differed from the standard established by those authorities, and their own standard was not declared on the label.

On December 12, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Leading Drug Corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about November 7, 1935, from the State of New York into the State of Connecticut, of a quantity of elixir of iron, quinine, and strychnine that was adulterated and misbranded; and on or about February 10 and March 11, 1936, from the State of New York into the State of New Jersey of quantities of elixir of terpin hydrate and codeine and of sweet spirit of niter that were adulterated and misbranded. The articles were labeled in part: "Leading * * * Elixir Iron Quinine and Strychnine N. F." or "Leading * * * N. F. V. Elixir of Terpin Hydrate and Codeine" [or "Leading * * * U. S. P. Sweet Spirit of Niter"] * * * Leading Drug Corp., New York, N. Y."

The articles were alleged to be adulterated in that they were sold under and by names recognized in the National Formulary or in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in those authorities official at the time of investigation and their own standards of strength, quality, and purity were not declared on the labels, viz: The elixir of iron, quinine, and strychnine contained not more than 114.3 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters, whereas the National Formulary provides that elixir of iron, quinine, and strychnine shall contain not less than 125 cubic centimeters of tincture of ferric citrochloride per 1,000 cubic centimeters; the elixir of terpin hydrate and codeine contained not more than 15.7 grams of terpin hydrate and not more than 1.68 grams of codeine per 1,000 cubic centimeters, whereas the formulary provides that elixir of terpin hydrate and codeine shall contain not less than 17.5 grams of terpin hydrate and not less than 2 grams of codeine per 1,000 cubic centimeters; the sweet spirit of niter contained not less than 5.21 percent of ethyl nitrite, whereas the United States Pharmacopoeia provides that spirit of ethyl nitrite, i. e., sweet spirit of niter, shall contain not more than 4.5 percent of ethyl nitrite.

The articles were alleged to be misbranded in that the statements, "Elixir Ferri Quinine et Strychnia Elixir Iron Quinine & Strychnine N. F. 5th Edition", "Elixir Terpini Hydratis et Codeinae N. F. V. Elixir of Terpin Hydrate & Codeine", and "Spiritus Aetheris Nitros U. S. P. Sweet Spirit of Nitre", borne on their respective labels, were false and misleading in that said statements represented that the first two described products conformed to the standard laid down in the National Formulary and that the third product conformed to the standard laid down in the United States Pharmacopoeia; whereas the products did not conform to said standards.

On May 18, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$110.

H. A. WALLACE, *Secretary of Agriculture.*

27256. Misbranding of Munyon's Tona Spaf. U. S. v. 4 Cartons of Munyon's Tona Spaf. Default decree of condemnation and destruction. (F. & D. no. 39261. Sample no. 20535-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 31, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cartons, each containing 12 bottles, of Munyon's Tona Spaf at East Providence, R. I., alleging that the

article had been shipped in interstate commerce on or about September 22, 1932, by the Sunshine Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Munyon's Tona Spaf * * * Prepared by Munyon Remedy Co., Scranton, Pa."

Analysis showed that the article consisted essentially of an iron and phosphorus compound, a small amount of an arsenic compound, alcohol, water, and flavoring material.

It was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the carton, bottle label, and in accompanying circulars, were false and fraudulent: (Bottle label) " * * * a restorative for nervous exhaustion, promoting secretions of digestive juices and relieving fatigue and increasing strength, especially indicated in rundown and weakened condition. Directions: One to two dessert spoonfuls before meals and at bedtime"; (carton) "Reconstructive * * * Enriches the Blood Tones the Body Preventative or Remedy for Colds-Grippe Influenza-Etc. * * * used for * * * Grippe Anemia Insomnia Diabetes Acidosis Senility Dyspepsia Exhaustion Indigestion Palpitation Debilitation Tired Feeling Mal-Nutrition Blood Disorders"; (pink circular) "Blood purifier and body builder"; (yellow circular) " * * * can be used effectively for many conditions, * * * improves Nutrition and restores lost functional nerve activity. Therefore it should be used in cases of malnutrition, nerve exhaustion and debilitated conditions following long and protracted illnesses. * * * tends to reduce the alkalinity of the blood which makes it valuable in treating skin disorders. * * * The following conditions can be corrected and benefited by the use of Tona Spaf, if taken in the dosage indicated. Anemia: Tona Spaf increases the number of red corpuscles, aids the blood to become normal, thereby giving the patient the appearance of good health. Take one dessert-spoonful every four hours. For the Aged: * * * a feeling of general comfort is given to those advanced in years. * * * quiets heart action * * * Dosage—one half wineglassful three times a day. Blood Disorders: Take two dessertspoonfuls of Tona Spaf before each meal and upon retiring. Satisfactory results will be noticed in a very short time. * * * It is also especially beneficial in cases of Anemia, Chlorosis and other conditions involving degenerative blood processes. * * * Grippe, Influenza, Chills and Fever: To a glass of hot water, add one half wineglassful of Tona Spaf with juice of half a lemon and take just before retiring. It will * * * assist in breaking up that cold. * * * Those who are * * * suffering from general disorders will find Tona Spaf extremely beneficial when used as follows:—Take two dessertspoonfuls of Tona Spaf in a glass of cold water to which has been added the juice of an orange, lemon or grapefruit. * * * Debilitation: Take one half wineglassful doses without water three times a day. Diabetes: The reconstructive * * * qualities and alcoholic content of Tona Spaf makes it exceptionally valuable in cases of Diabetes, especially when acidosis is present. Take one dessertspoonful of Tona Spaf every three hours until acidosis disappears. Acidosis is a condition in which we find an excessive amount of acid in the blood. It is usually characterized by itching. Exhaustion: Two dessertspoonfuls taken every three hours without water gives immediate results by stimulating the circulation of the blood. It should be used during convalescence from Pneumonia, Typhoid-Fever, Influenza and other infectious diseases when the patient is in a state of extreme exhaustion. It improves Nutrition and stimulates the entire nerve system which is especially necessary for a speedy recovery. Persons suffering from heart irregularities or fainting spells will find Tona Spaf a truly effective stimulant. Take a teaspoonful every fifteen minutes until normal heart action is restored. Insomnia: Two dessertspoonfuls of Tona Spaf in a glass of warm milk taken upon retiring will prove helpful in securing a good night's sleep. Indigestion: For an acute attack of Indigestion two dessertspoonfuls of Tona Spaf with a little warm water will give immediate relief. * * * stimulates the entire system * * * Malnutrition: Give the patient a dessertspoonful of Tona Spaf every three or four hours to stimulate the system. Taken faithfully and with the proper diet the patient will respond readily and in a short time a big change will be noticed."

On April 15, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*